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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/202,424	02/19/1999	HERVE ORUS	G-41	2885

7590 03/11/2003
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EXAMINER

TREMBLAY, MARK STEPHEN

ART UNIT PAPER NUMBER

2827

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/202,424

Applicant(s)

ORUS ET AL.

Examiner

Mark Tremblay

Art Unit

2876 2827

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1, 26, 28-34 and 36-41.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: Note attached PTO-892

Response to Arguments

Applicant's arguments filed 11/22/02 have been fully considered but they are not persuasive. While the Applicant argues that the invention departs from the gaming machine art in a novel and unobvious way, Examiner fundamentally disagrees. Applicant has unseasonably challenged the Examiner's holding of Official Notice from the Office Action mailed 3/12/02.

Applicant has not seasonably challenged any of the findings of what is old and well known in the art during the prosecution of the instant application. Instead, Applicant either remained silent on the findings, or, as in paper number 8, suggested that the Examiner needed to make different findings for what is old and well known in the art in order to reject the claims. In paper number 8, rather than challenge the findings for what is old and well known, Applicant suggested that the findings of what is old and well known were not sufficient to reject the claims. After paper number 8 was entered via CPA, Examiner made additional findings of what was old and well known in the art in paper #14. Applicant failed to seasonably challenge these findings, as well. As such, these findings became admitted facts, with the same effect as being prior art of record, at the time of the final office action. While the Applicant may argue that these facts do not render the claims obvious, Applicant has waived the right to challenge the facts themselves.

Examiner believes that the findings of what is old and well known in the art speak for themselves to any person familiar with the art. Network security is old and well known in the art. A search of www.amazon.com for books published prior to 1997 having the words "network" and "security" in their titles results in 45 hits, with a plurality of books having only the title "Network Security", and more having titles such as "Global Network Security" or "Novells Guide to Network Security".

The findings regarding public key cryptography and DES (Data Encryption Standard) concern what is old and well known in the art. Applicant's claims are drawn to steps that fall within these standards that therefore fall completely and squarely within the obviousness standard of 35 U.S.C. §103.

Despite this, Examiner is willing to take efforts not required for the prosecution of this case, or for the support of the findings of what is old and well known in the art in paper #14.

These efforts are made solely at the voluntary election of the examiner, for the greater clarity of the prosecution.

The following references are cited as pertinent to the instant application, as they may provide additional corroboration of facts already established during prosecution:

5 The book "Digital Cash" by Peter Wayner teaches the use of certificates in numerous digital cash schemes.

The textbook "Smart Cards" by Zoreda and Oton is a text book on smart cards showing that public key and symmetric key cryptography was well known by 1994, including the use of certificates.

10 The textbook "Electronic Payment Systems" provides an example of the background knowledge of the person having ordinary skill in the art would need to work in the field, and that the skilled artisan would require in order to understand Applicant's reference to "certificates" in the specification and claims.

15 1998 Advanced Card Technology Sourcebook is cited in response to Applicant's conjecture that Examiner's statements were based on "the examiner's apparent personal experience at Florida State University's use of smart cards." Applicant's conjecture is incorrect. Compare Examiner's statement with the last paragraph at page 125 of the 1998 Advanced Card Technology Sourcebook. Examiner did not attend Florida State University, and Examiner's statement is shown in a printed publication. The sourcebook also mentions other university smart

20 card programs; thus the statement by Examiner included the phrase "such as".

25 "Smart Card Handbook" by Rankl and Effing is a classic textbook that should be on every skilled artisan's bookshelf at all times. The chapter on "Security Methods" is cited. Also, page 324 is cited because it teaches under the heading "Background system" that basic accounting practices require that the balances be stored on the smart card and on the central system for fraud detection.

"Security for Computer Networks by Davies and Price includes basic background on public key cryptography, digital signatures, and digital certificates.

The text book, "Secure Electronic Commerce by Ford and Baum provides a more detailed description of public key cryptography, digital certificates, and key management.

Voice

Inquiries for the Examiner should be directed to Mark Tremblay at (703) 305-5176. The Examiner's regular office hours are 10:30 am to 7:00 pm EST Monday to Friday. Voice mail is available. If Applicant has trouble contacting the Examiner, the Supervisory Patent Examiner, Dave Talbott, can be reached on (703) 305-9883. Technical questions and comments concerning PTO procedures may be directed to the Patent Assistance Center hotline at 1-800-786-9199 or (703) 308-4357.


MARK TREMBLAY
PRIMARY EXAMINER

March 4, 2003

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